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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,681	01/04/2002	Alan D. Adamson	8094-PA01	9496
27111	7590	12/08/2004	EXAMINER	
GORDON & REES LLP 101 WEST BROADWAY SUITE 1600 SAN DIEGO, CA 92101			SHARMA, SUJATHA R	
			ART UNIT	PAPER NUMBER
			2684	

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,681

Applicant(s)

ADAMSON ET AL.

Examiner

Sujatha Sharma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8,10,11 are rejected under 35 U.S.C. 102(b) as being anticipated by Mitsuru [JP 07074808].

Regarding claim 1, Mitsuru discloses a wireless telephone apparatus, comprising:

- a wireless telephone handset; see 1 in Fig. 1 and abstract
- a base unit having a cradle (3 in Fig.1) for removably supporting the telephone handset, a base housing (2 in Fig.1) containing at least a charger (see Fig.5, English translation paragraphs 17,20,21) for connection to the handset when supported in the cradle, and a hinge joint (17a in Fig. 5) rotatably connecting the cradle to the base housing; see English translation paragraph 19-25
- the base housing having a first wall for placing against a mounting surface and a second wall facing in the opposite direction to the first wall; See figs 1,2,3,10 and English translation paragraphs 5, 14

- and the hinge joint having a first part on the second wall and a second part on the cradle which is rotatably connected to the first part to allow the cradle to be rotated into any one of a plurality of different orientations relative to the base housing. See figs 1-3,5,10 and English translation paragraphs 18-22

Regarding claim 2, Mitsuru further discloses an apparatus wherein the first part of the hinge joint comprises a hinge arm (17a in fig. 5) on the second wall of the housing having a hinge receptacle with spaced end walls and a hinge pin (16 in fig. 5) extending between the end walls, and the second part comprises a hinge sleeve rotatably mounted on the hinge pin for rotation about a hinge axis. See abstract, Figs 1,2,5,10 and English translation paragraphs 18-26.

Regarding claim 3, Mitsuru further discloses an apparatus wherein the hinge sleeve is in rotational frictional engagement with at least a portion of the hinge pin, whereby the sleeve will be held in any selected orientation relative to the hinge pin unless positively urged into a new orientation. See abstract, Figs 1,2,5,10 and English translation paragraphs 18-26.

Regarding claim 4, Mitsuru further discloses an apparatus wherein the cradle is rotatable through a predetermined angular range between a first end position lying against the second wall of the housing and a second end position. See abstract, Figs 1,2,10 and English translation paragraphs 9,26

Regarding claim 5, Mitsuru further discloses a method wherein the angular range is

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greater than ninety degrees. (Mitsuru discloses in paragraph 9 free rotation that includes angles greater than 90 degrees).

Regarding claim 6, Mitsuru further discloses an apparatus wherein the cradle(3 in Fig.1) has a recess at a first end for receiving a lower end portion of the handset(5 in fig. 1), the recess having an inner surface and an outer surface (see figs 1,2,5), the second part of the pivot joint being located on the outer surface of the recess, and a pair of electrical contacts(7,8 in Fig 2) mounted on the inner surface of the recess for contacting corresponding contacts on the handset when the handset is mounted in the cradle, and wiring extends from the contacts (14,15,19-24 in Fig 5) through the hinge joint and into the base housing for connection to electrical circuits in the housing. See Figs 1,2,5,10 and English translation paragraphs 18-22.

Regarding claim 7, Mitsuru further discloses an apparatus wherein the first wall has at least one slot for selectively suspending the base housing from a wall hanger or the like with the first wall in a vertical orientation. See abstract and English translation paragraph 5,8.

Regarding claim 8, Mitsuru further discloses an apparatus wherein the first wall is a substantially flat surface and has feet for selectively standing the base housing on a horizontal surface. See Fig. 2.

Regarding claim 10, Mitsuru discloses an apparatus wherein the first part of the hinge joint includes a hinge arm formed integrally with the second wall of the housing, the hinge arm

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comprising a hinge recess and a pair of end walls and the first part further includes a hinge pin secured between the end walls. See Figs. 1,2,5 and abstract

Regarding claim 11, Mitsuru further discloses an apparatus wherein the second part of the hinge joint comprises a hinge sleeve integrally formed with the cradle and rotatably engaged over the hinge pin. See. Figs 1,2,5.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitsuru [JP 07074808] in view of Minelli [US 6,663,064]

Regarding claim 9, Mitsuru discloses all the limitations as claimed. However he does not disclose a method wherein the second wall is of a generally convex shape.

Minelli, in the same field of endeavor, teaches different shapes for the second wall example elliptical in fig. 10-12, circular in fig. 14 without deviating from the functionality of the electronic device itself. Therefore a convex shape for the second wall can be chosen based on the design choice.

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Therefore it would have been obvious to use a convex shape for the second wall in Mitsuru's invention as a design choice without deviating from the functionality of the electronic device itself.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bryant [US 4,617,430]	Swivel mount
Wang [US 6,522,748]	Adjustable supporting frame
Kfoury [US 6,397,046]	Hang-up cup assembly
Davis [US 5,828,966]	Universal charging cradle for cordless telephones
O'Connell [US 5,109,411]	Telephone handset cradle mount

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sujatha Sharma
November 4, 2004


NAY MAUNG

SUPERVISORY PATENT EXAMINER